

CON Workgroup Nursing Home Language suggestions/ideas for discussion:

Charge 8: Consider language for a Public Health Epidemic

Addition to the project delivery requirements to pause implementation follow-up during a PHE. Authority is given on R325.9403(5) to create an alternative timeline in the CON standards.

Proposed Change:

1. Add the following definition to Section 2. Definitions

“Public health epidemic” means an epidemic identified and controlled pursuant to MCL 333.2253(1) or MCL 333.2453(1), or an epidemic or pandemic as declared by the Centers for Disease Control (CDC) or the World Health Organization (WHO).

2. Add the following language as Section 11(6) renumber existing sub(6) as sub(7)

(6) The implementation deadlines detailed in administrative rule R325.9403 and R325.9417 shall pause during a PHE and resume 1 year after the rescission of the PHE.

~~(6)~~ (7) The agreements and assurances required by this section shall be in the form of a certification agreed to by the applicant or its authorized agent.

R325.9403 for reference.

R 325.9403 Term of certificate.

Rule 403. (1) Unless otherwise specified in a certificate of need review standard or final decision, a certificate of need expires 1 year from its effective date, unless the project is implemented as defined in R 325.9103(b).

(2) The bureau, upon written request of the recipient, may extend the implementation period established in subrule (1) of this rule or in a certificate of need review standard by not more than 6 months if the bureau determines all of the following:

- (a) The terms of the certificate are not changed.
- (b) Substantial progress has been made.
- (c) The requirements of R 325.9103(b) will occur within the extended time period.

(3) Any extension granted under subrule (2) of this rule does not change the effective date of the certificate of need.

(4) At any time, the department may request, and the person holding the certificate of need shall immediately provide, any documentation, including project schedules, to determine whether the project is on schedule and within the estimated costs for the project.

(5) For projects subject to the provisions of R 325.9103(b)(i), (ii), or (vi), a certificate of need review standard may establish a term of the certificate other than as established in subrules (1) and (2) of this rule, in which case the certificate of need expires at the end of the time period specified in the standard.